

REMARKS

This is in response to the Office Action mailed on August 11, 2004, and the references cited therewith.

Claims 1, 3, 6, 9, 11, 14, 17, 20, and 22 are amended. Claims 1-23 are now pending in this application.

§112 Rejection of the Claims

Claim 9 was rejected under 35 USC § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Claim 9 has been amended to clarify the subject matter of the claim.

Reconsideration and allowance is respectfully requested.

§102 Rejection of the Claims

Claims 6-10 were rejected under 35 USC § 102(b) as being anticipated by Blair et al. (U.S. 5,462,505).

Applicant has amended claim 6 to better describe the subject matter recited in the claim. Applicant believes claim 6 is not anticipated by the cited reference since the reference does not include each limitation recited in the claim. For instance, Applicant cannot find in the cited reference an apparatus including a first inflatable section including a slide having a height of at least 15 feet, wherein a second inflatable section is adapted to deflate more slowly than the first inflatable section when a source of airflow to the inflatable unit is interrupted or stopped such that the slide is supported by the second inflatable section.

Claims 7-10 include each limitation of their parent claim and are therefore also not anticipated by the cited reference. Reconsideration and allowance is respectfully requested.

§103 Rejection of the Claims

Claims 1-5 and 11-23 were rejected under 35 USC § 103(a) as being unpatentable over Gordon (U.S. 6,558,264) in view of Blair et al. (U.S. 5,462,505).

Claims 1-5

Applicant has amended claim 1 to better describe the subject matter recited in the claim. Applicant believes claim 1 is not obvious in view of the cited references since there is no suggestion in the art to modify the primary reference as suggested by the Examiner.

The Examiner asserts that “it would have been obvious to provide the apparatus of Gordon with a blower (34), and the valves (102) as taught by Blair et al for the purpose of enhancing the safety for the user.” Applicant traverses since the Gordon reference teaches away from such a modification. A reference may be said to teach away when a person of ordinary skill, upon reading the reference, would be discouraged from following the path set out in the reference, or would be led in a direction divergent from the path the applicant took. *In re Gurley*, 27 F.3d 551, 31 USPQ 2d 1130, 1131 (Fed. Cir. 1994)

Here, the Gordon reference discusses an inflatable wedge for use with a water slide. The wedge is used by a child or adult running and jumping onto the wedge and sliding down the wedge onto a water slide. (Abstract). The wedge is described as a plastic, air-tight member, being approximately forty to fifty inches wide, six to nine feet long, and thirty to thirty-six inches high. (Col. 3, lines 19-23). Such an air-tight plastic wedge of about 3 feet high would not work with a continually running blower. If such as blower were attached to the Gordon device, the air-tight plastic wedge would explode. Large inflatables, such as the Blair reference, need continual airflow because they are large structures and constantly leak air. In contrast, the Gordon device is a relatively small, airtight structure, with no need of a continual airflow, and not capable of receiving a continual airflow.

Furthermore, the Gordon reference is not analogous art in view of the present claimed invention. Analogous art is all art that is either in the field of technology of the claimed invention or deals with the same problem solved by the claimed invention even though outside the field of technology. *In re Wood*, 599 F.2d 1032, 202 USPQ 171 (CCPA 1979). Again, the Gordon reference describes a small, airtight plastic wedge which is designed to provide a transition for jumping onto a water slide which is horizontally laid on the ground. In contrast, claim 1 recites an apparatus including an inflatable section having an interior open to an airflow from a continually running blower which provides support for the first inflatable section. Thus, the Gordon reference is not analogous art because: (a) it does not deal with inflatable structures

that require continual air; and (b) it is not directed to the problem of supporting such structures in case of the loss of the airflow from the blower.

Claims 2-5 include all the limitations of their parent claim and are therefore also not obvious in view of the cited references. Reconsideration and allowance is respectfully requested.

Claims 11-13

Applicant has amended claim 11 to better describe the subject matter recited in the claim. Applicant believes claim 11 is not obvious in view of the cited references since there is no suggestion in the art to modify the primary reference as suggested by the Examiner.

As noted above, the Gordon reference teaches away from being used with a continually running blower since such a device would cause the air-tight Gordon device to explode. Moreover, Applicant again believes that the Gordon reference is not analogous art to the present claim since it is in a different field and directed to a different problem.

Furthermore, Applicant believes that even if combined, the combination would not include means to at least temporarily support the inflatable structure at substantially its full height if the airflow into the inflatable structure is reduced to a level that does not support the inflatable structure, as recited in claim 11. In contrast, in the Blair reference, the inner sections (90, 92) would, at most, support side chambers (18,28). (FIG. 4). However, the side columns 14 would fall down if the airflow was stopped.

Claims 12-13 include all the limitations of their parent claim and are therefore also not obvious in view of the cited references. Reconsideration and allowance is respectfully requested.

Claims 14-16

Applicant has amended claim 14 to better describe the subject matter recited in the claim. Applicant believes claim 14 is not obvious in view of the cited references since there is no suggestion in the art to modify the primary reference as suggested by the Examiner.

As noted above, the Gordon reference teaches away from being used with a continually running blower since such a device would cause the Gordon device to explode. Moreover, Applicant believes that the Gordon reference is not analogous art to the present claim.

Furthermore, Applicant believes that even if combined, the combination would not include an inflatable structure having a first inflatable portion defining a slide having a height of at least 15 feet and a stairway extending to the top of the slide, as recited in claim 14. In contrast, Gordon teaches away from such a structure by describing a thirty to thirty-six inch wedge that is for being jumped upon. In no fashion does Gordon give a suggestion to be modified to a height of at least 15 feet.

Claims 15-16 include all the limitations of their parent claim and are therefore also not obvious in view of the cited references. Reconsideration and allowance is respectfully requested.

Claims 17-19

Applicant has amended claim 17 to better describe the subject matter recited in the claim. Applicant believes claim 17 is not obvious in view of the cited references since there is no suggestion in the art to modify the primary reference as suggested by the Examiner.

As noted above, the Gordon reference teaches away from being used with continuous airflow from a blower since such a device would cause the air-tight Gordon device to explode. Moreover, Applicant believes that the Gordon reference is not analogous art to the present claim.

Furthermore, Applicant believes that even if combined, the combination would not include an inflatable section positioned and adapted to: a) remain inflated longer than the other inflatable section after airflow from the blower is interrupted, and b) provide support for the other inflatable section so as to support the other inflatable section up to substantially its full height even as the other inflatable section deflates, as recited in claim 17. Again, at most the Blair structure would only support chambers (18, 28) and not the side columns.

Claims 18-19 include all the limitations of their parent claim and are therefore also not obvious in view of the cited references. Reconsideration and allowance is respectfully requested.

Claims 20-21

Applicant has amended claim 20 to better describe the subject matter recited in the claim. Applicant believes claim 20 is not obvious in view of the cited references since there is no suggestion in the art to modify the primary reference as suggested by the Examiner.

As noted above, the Gordon reference teaches away from being used with continuous airflow from a blower since such a device would cause the air-tight Gordon device to explode. Moreover, Applicant believes that the Gordon reference is not analogous art to the present claim.

Furthermore, Applicant believes that even if combined, the combination would not include supporting a first inflatable section of an inflatable amusement or advertising structure up to substantially its full height using a second inflatable section adapted to deflate more slowly than the first inflatable section when a source of continual airflow to the inflatable structure is interrupted or stopped, as recited in claim 20.

Claim 21 includes all the limitations of its parent claim and is therefore also not obvious in view of the cited references. Reconsideration and allowance is respectfully requested.

Claims 22-23

Applicant has amended claim 22 to better describe the subject matter recited in the claim. Applicant believes claim 22 is not obvious in view of the cited references since there is no suggestion in the art to modify the primary reference as suggested by the Examiner.

As noted above, the Gordon reference teaches away from being used with a continually running blower since such a device would cause the air-tight Gordon device to explode. Moreover, Applicant believes that the Gordon reference is not analogous art to the present claim.

Furthermore, Applicant believes that even if combined, the combination would not include at least temporarily supporting the inflatable slide structure at substantially a full height of the slide structure if the airflow into the inflatable structure is reduced to a level that does not support the inflatable structure, as recited in claim 22.

Claim 23 include all the limitations of its parent claim and is therefore also not obvious in view of the cited references. Reconsideration and allowance is respectfully requested.

Conclusion

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (612) 359-3267 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: MS Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 12 day of November, 2004.

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